

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

October 8, 2008
9:00 a.m.

Members present: Chairman Bridges, Vice Chairman Christie, Councilors Bradley, Butler, Cowan, Czysz, Decker, Densberger, Harrington, Henderson, Lyons, Rastallis, and Varotsis

Members absent: Councilors Barrett, Dupee, Phillips, and Rawnsley

Chairman Bridges called the meeting to order at 9:00 a.m. with the introduction of two new members, Joel Harrington representing Conservation/Environmental Organizations, and Carol Henderson, designee for Fish and Game.

1. Approval of Minutes of August 13, 2008 Meeting

A motion was made by Councilor Varotsis to accept the minutes of August 13, 2008, second by Councilor Bradley. The Council unanimously voted to approve this motion.

2, Rules

Readoption with Amendments for Env-Wq 900 (currently Env-Ws 1120) Youth Recreational Camps Rule

Rene Pelletier, Assistant Director of the Water Division, asked for any questions or concerns with the rules as distributed. Councilor Christie noted that on the memo the date should be 'expire in February 2009' instead of 2007 as listed. She also suggested the definition of a recreation camp include music and computer as examples. Then to move the definition of 'YRC', Youth Recreation Camp, to be on page 2, the first time the acronym is used.

A motion was made by Councilor Densberger to approve the draft of the rules, second by Councilor Bradley. The Council unanimously voted to approve this motion.

Readoption with Amendments, Env-Dw 502 (currently Env-Ws 367) Certification of Water Works Operators Rules

Councilor Christie noted the dates on the cover memo and that it should read the current rule should expire November 1, 2008 and the interim rule expire 6 months after the rule is adopted.

A motion was made by Councilor Varotsis to accept the changes on these rules, second by Councilor Butler. The Council unanimously voted to approve this motion.

3. Approval of State Aid Grants

1) Rick Skarinka of the Drinking Water Ground Water Bureau requested approval of a new state aid grant as set forth in a memo from Bureau Administrator Sarah Pillsbury to Harry T. Stewart, P.E., Director, Water Division dated September 11, 2008.

Councilor Bradley moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Varotsis seconded the motion and it was unanimously approved.

WHEREAS, the following water system has applied to the Department of Environmental services, under the provisions of RSA 486-A, for a grant in the amount listed to aid in the defraying of the costs resulting from the compliance with the Surface Water Treatment Rule, as defined in said Chapter:

<u>Municipality</u>	<u>Grant No.</u>	<u>Project</u>	<u>Amount</u>
Orford Village District	09-1831010	New Groundwater wells and tank	\$133,822.50

WHEREAS, The Department of Environmental Services has examined said application as to the eligibility of the design and construction costs for state contributions; and

WHEREAS, The Water Council finds that the said project is intended to protect public health, as defined in RSA 485-A.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486-A have been met by said applicant, and respectfully recommends that the Governor and Executive Council approve said grant and authorize payments thereof through the Department of Environmental Services, as provided for in said Chapter.

2) Gretchen Rich of the Wastewater Engineering Bureau requested approval of thirteen new state aid grants as set forth in a memo from Bureau Administrator Paul L. Heitzler, P.E., to Harry T. Stewart, P.E., Director, Water Division dated September 30, 2008.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Butler seconded the motion and it was unanimously approved.

WHEREAS, the following municipalities have applied to the Department of Environmental services, under the provisions of RSA 486, for grants in the amount listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>Municipality</u>	<u>Proj. No.</u>	<u>Project Description</u>	<u>Amount</u>
City of Manchester	C-777	Cohas Brook Interceptor, Phase 2, Contract 1	\$1,191,858
City of Manchester	C-778	Sludge Dewatering System Proj.	\$ 927,737
City of Manchester	C-779	Valley St. Pipe Replacement Preliminary Design	\$ 59,418
City of Manchester	C-780	CSO- S Main St. North	\$ 498,138
City of Manchester	C-781	Cemetery Brook/Pennacook St/ Stark Brook SCO Basin Study	\$ 230,405
City of Manchester	C-782	S Mammoth Rd. Sewer Extension	\$ 352,273
Town of Hillsborough	C-783	Contoocook River Anti-degradation Study	\$ 7,901
Town of Hillsborough	C-784	I/I Investigation/Sewer Collection Repairs	\$ 8,238
City of Portsmouth	C-785	Pleasant Point Sewer	\$ 100,988
City of Manchester	C-786	West Bridge/Lorraine/Bremer	\$1,313,912
City of Manchester	C-787	Crescent Rd CSO Project, Design	\$ 269,278
City of Manchester	C-788	Cohas Brook Interceptor Phase II Contract Nos. 1 & 2, Design	\$ 97,548
Town of Bristol	C-789	Wastewater Treatment Plant Improvements, Contract 2	\$ 32,469

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contribution; and

WHEREAS, The Water Council finds that the said project is intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

3) Gretchen Rich of the Wastewater Engineering Bureau requested approval of an amended grant offer of State aid for pollution abatement facilities under the provisions of RSA 486:3,11 as set forth in a memo from Bureau Administrator Paul L. Heirtzler, P.E., to Harry T. Stewart, P.E., Director, Water Division dated September 30, 2008.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Butler seconded the motion and it was unanimously approved.

WHEREAS, the following municipality is eligible for an amended grant, under the provisions of RSA 486:3.11, the amount listed to aid in the defraying of the original costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>Municipality</u>	<u>Proj. No.</u>	<u>Project Description</u>	<u>Amount</u>
Swanzy	C-731	North Swanzy Wastewater Improvements	\$2,022,510

WHEREAS, The Department of Environmental Services has examined said the documentation submitted by the municipality as to the eligibility for the additional 10% State contribution in accordance with RSA 486:3,11; and

WHEREAS, The Water Council finds that the said project is intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A; and

WHEREAS, The Department of Environmental Services has made tentative offer of said grant amendment, subject to final approval and authorization by the governor and Executive Council; and

WHEREAS, The listed municipality has accepted the tentative offer; and

WHEREAS, Based on the final determination of eligibility, the State Aid Grant for this project has be recalculated and is greater than the grant amount originally approved by the Governor and Executive Council. It should be noted that the original State grant in the amount of \$1,375,279 was approved by the Water council on October 11, 2006 and by the Governor and Executive Council on November 29, 2006. The grant amount was increased to \$1,901,439 as approved by the Water Council on April 12, 2007 and by the Governor and Executive Council on May 2, 2007 due to an increase in eligibility from 20 to 30 percent.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said grantee, and respectfully recommends that the Governor and Executive Council approve said grant amendment and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

4. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals and requested Council action on several, as noted below.

- **Docket No. 08-29 WC – Silver Lake.**

Council tabled the appeal to allow more time to review on August 13, 2008.

A motion was made by Councilor Densberger to take this Appeal off the table, second by Councilor Bradley. The Motion was unanimously approved.

A motion was made by Councilor Lyons to accept this Appeal, second by Councilor Cowan. The Motion was unanimously approved.

Councilor Densberger will be the Pre-Hearing Officer.

- **Docket No. 08-30 WC – David Hoyt Appeal**

The Appeal was tabled on August 13, 2008. The Appeal was received insufficient. IT will be reviewed at the November meeting.

- **Docket No. 07-29 WC – Andrew and Karen Goldstein**

A Hearing was held on August 13, 2008 at 10 A.M. Presiding Officer is Councilor Butler. A decision and order has been drafted and will be finalized to send by the end of this week.

- **Docket No. 03-14 WC – Gerald A. Bell Appeal**

This appeal has been withdrawn.

- **Docket No. 07-04 WC - Gerald A. Bell Appeal**

This appeal has been withdrawn.

- **Docket No. 08-27 WC – Moody Point Company**

The Appeal was accepted by the Council on July 22, 2008. Vice Chair Christie will hold a Pre Hearing Conference on October 27th at 9 AM.

- **Docket No. 04-05 WC - Freudenburg-NOK General Partnership Appeal**

A letter has been sent to notify them that this appeal is going to be on the Council's agenda in February.

- **Docket No. 04-18 WC - Thaddeus Dymon Appeal**

No response has been received regarding the request for status from the appellant nor his attorney.

- **Docket No. 04-19 WC - Town of Newport Appeal**

No response has been received regarding the request for status from the appellant nor his attorney.

Councilor Cowan will be the Presiding Officer for both 4-18 WC and 4-19 WC.

- **Docket No. 06-13 WC - Shane Forest Appeal**

No response has been received from Attorney Levenstein. A Pre-Hearing Conference will be scheduled.

Vice Chairman Christie will be the Presiding Officer.

- **Docket No. 07-11 WC William and Melissa Brouck**

A letter was sent requesting status. A withdrawal has not yet been received. A Pre-Hearing Conference will be scheduled.

Councilor Varotsis will be the Presiding Officer.

5. Other Business

There was discussion as to the interim rules.

A presentation on the Instream Flow was requested and Director Stewart will set this up. He will also look into a presentation on septage capacity.

There was also a presentation request on the draft Surface Water Quality Rules by DES to provide their perspective and point of view. It was also suggested that there be a presentation by those who have counter proposals.

6. Next Meeting

The next meeting is scheduled for November 12, 2008.

7. Adjournment

A motion was made by Councilor Cowan to adjourn. The motion was seconded by Councilor Butler and unanimously approved.

Meeting was adjourned at 10:58 AM.